

Notice of Allowability

Application No.

10/685,186

Examiner

Sing P. Chan

Applicant(s)

KNOERZER ET AL.

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed August 23, 2006.
2. ☒ The allowed claim(s) is/are 23-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Chad E. Walter on October 10, 2006.

The application has been amended as follows: Claims 1-22 are canceled.

Allowable Subject Matter

2. Claims 23-27 are allowed.
3. The following is an examiner's statement of reasons for allowance: The claims recite a method of making a flexible packaging film for a package. The method includes feeding a first flexible film comprising a graphics layer into a laminator, feeding a second flexible film comprising a barrier layer into a laminator, slitting longitudinally through said first flexible film at two laterally displaced locations to form a strip therebetween with said strip is completely detached from said first flexible film prior to lamination, providing a laminating material between said first film and second film, pressing the first and second film together to form said flexible packaging film, forming the flexible packaging film onto a package having two transverse seals, wherein the slitting step takes place

within 1-24 inches of said pressing step, and the strip can be separated from the rest of the flexible packaging film without injury to other layers of said packaging film. Avery (U.S. 2,391,539) discloses a method of forming labels. The method includes providing a roll of paper stocks, drawing the paper stocks and laminating the paper stocks to adhesive coated backing. (Page 1, Col 2, lines 31-48) The paper stock is also divided by cutting blades into separated strips that remain in contiguous edge-to-edge relationship as the strips are pressed with the laminating rolls into firm engagement with the adhesive on the backing (Page 2, Col 1, lines 36-50) and the strips can be removed from the backing and applied to any desired article (Page 2, Col 1, lines 62-65) and the laminated is capable of being use as a packaging material, which satisfying the requirement of intended use as a packaging film. Avery is silent as to the slitting step takes place within 1-24 inches of said pressing step and form a package with two transverse seal with the laminated films. Cortopassi (U.S. 6,206,570) discloses a flexible container. The container or packaging includes a removable section formed by perforation lines printed with messages, information, marketing indicia, or other designs and ornamentation and a barrier material laminated to the outer wall material with the removable section. (Col 11, line 44 to Col 12, lines 17) Cortopassi is silent as to feeding a first flexible film comprising a graphics layer into a laminator, feeding a second flexible film comprising a barrier layer into a laminator, slitting longitudinally through said first flexible film at two laterally displaced locations to form a strip therebetween with said strip is completely detached from said first flexible film prior to lamination, providing a laminating material between said first film and second film, pressing the first and

second film together to form said flexible packaging film, forming the flexible packaging film onto a package having two transverse seals, wherein the slitting step takes place within 1-24 inches of said pressing step. A search of the prior art of record did not disclose reference or references in combination with the recited features.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P. Chan whose telephone number is 571-272-1225. The examiner can normally be reached on Monday-Thursday 7:30AM-11:00AM and 12:00PM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A. Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chan Sing P

SPC

Chris Fiorilla

CHRIS FIORILLA
SUPERVISORY PATENT EXAMINER

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